

KEY PROVISIONS OF H.R. 6197/P.L. 109-365
"Older Americans Act Amendments of 2006"
RELATED TO
CHOICES FOR INDEPENDENCE

CHANGES IN TITLE I

DEFINITIONS

Section 102 of the Older Americans Act of 1965 (42U.S.C. 3002) is amended—

“(44) The term ‘**Aging and Disability Resource Center**’ means a program established by a State as part of the State system of long-term care, to provide a coordinated system for providing—

“(A) comprehensive information on the full range of available public and private long-term care programs, options, service providers, and resources within a community, including information on the availability of integrated long-term care;

“(B) personal counseling to assist individuals in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; and

“(C) consumers access to the range of publicly-supported long-term care programs for which consumers may be eligible, by serving as a convenient point of entry for such programs.”,

“(45) The term ‘**at risk for institutional placement**’ means, with respect to an older individual, that such individual is unable to perform at least 2 activities of daily living without substantial assistance (including verbal reminding, physical cuing, or supervision) and is determined by the State involved to be in need of placement in a long-term care facility.”

“(50) The term ‘**long-term care**’ means any service, care, or item (including an assistive device), including a disease prevention and health promotion service, an in-home service, and a case management service—

“(A) intended to assist individuals in coping with, and to the extent practicable compensate for, a functional impairment in carrying out activities of daily living;

“(B) furnished at home, in a community care setting (including a small community care setting as defined in subsection (g)(1), and a large community care setting as defined in subsection (h)(1), of section 1929 of the Social Security Act (42 U.S.C. 1396t)), or in a long-term care facility; and

“(C) not furnished to prevent, diagnose, treat, or cure a medical disease or condition.”

“(53) The term ‘**State system of long-term care**’ means the Federal, State, and local programs and activities administered by a State that provide, support, or facilitate access to long-term care to individuals in such State.”

CHANGES TO TITLE II

FUNCTIONS OF THE ASSISTANT SECRETARY

Section 202 of the Older Americans Act of 1965 (42U.S.C. 3012) is amended—

“(b) To promote the development and implementation of comprehensive, coordinated systems at Federal, State, and local levels that enable older individuals to receive long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, the Assistant Secretary shall, consistent with the applicable provisions of this title—

“(1) collaborate, coordinate, and consult with other Federal entities responsible for formulating and implementing programs, benefits, and services related to providing long-term care, and may make grants, contracts, and cooperative agreements with funds received from other Federal entities;

“(2) conduct research and demonstration projects to identify innovative, cost-effective strategies for modifying State systems of long-term care to—

“(A) respond to the needs and preferences of older individuals and family caregivers; and

“(B) target services to individuals at risk for institutional placement, to permit such individuals to remain in home and community-based care settings;

“(3) establish criteria for and promote the implementation (through area agencies on aging, service providers, and such other entities as the Assistant Secretary determines to be appropriate) of evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals;

“(4) facilitate, in coordination with the Administrator of the Centers for Medicare and Medicaid Services, and other heads of Federal entities as appropriate, the provision of long-term care in home and community-based settings, including the provision of such care through self-directed models that—

“(A) provide for the assessment of the needs and preferences of an individual at risk for institutional placement to help such individual avoid unnecessary institutional placement and depletion of income and assets to qualify for benefits under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. et seq.);

“(B) respond to the needs and preference of such individual and provide the option-

“(i) for the individual to direct and control the receipt of support services provided; or

“(ii) as appropriate, for a person who was appointed by an individual, or is legally acting on the individual's behalf, in order to represent or advise the individual in financial or service coordination matters (referred to in this paragraph as a ‘representative’ of the individual), to direct and control the receipt of those services; and

“(C) assist an older individual (or, as appropriate, a representative of the individual) to develop a plan for long-term support, including selecting, budgeting for, and purchasing home and community-based long-term care and supportive services;

“(5) provide for the Administration to play a lead role with respect to issues concerning home and community-based long-term care, including—

“(A) directing (as the Secretary or the President determines to be appropriate) or otherwise participating in departmental and interdepartmental activities concerning long-term care;

“(B) reviewing and commenting on departmental rules, regulations, and policies related to providing long-term care; and

“(C) making recommendations to the Secretary with respect to home and community-based long-term care, including recommendations based on findings made through projects conducted under paragraph (2);

“(6) promote, in coordination with other appropriate Federal agencies-

“(A) enhanced awareness by the public of the importance of planning in advance for long-term care; and

“(B) the availability of information and resources to assist in such planning;

“(7) ensure access to, and the dissemination of, information about all long-term care options and service providers, including the availability of integrated long-term care;

“(8) implement in all States Aging and Disability Resource Centers—

“(A) to serve as visible and trusted sources of information on the full range of long-term care options, including both institutional and home and community-based care, which are available in the community;

“(B) to provide personalized and consumer friendly assistance to empower individuals to make informed decisions about their care options;

“(C) to provide coordinated and streamlined access to all publicly supported long-term care options so that consumers can obtain the care they need through a single intake, assessment, and eligibility determination process;

“(D) to help individuals to plan ahead for their future long-term care needs; and

“(E) to assist (in coordination with the entities carrying out the health insurance information, counseling, and assistance program (receiving funding under section 4360 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b-4)) in the States) beneficiaries, and prospective beneficiaries, under the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) in understanding and accessing prescription drug and preventative health benefits under the provisions of, and amendments made by, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003;

“(9) establish, either directly or through grants or contracts, national technical assistance programs to assist State agencies, area agencies on aging, and community-based service providers funded under this Act in implementing-

“(A) home and community-based long-term care systems, including evidence-based programs; and

“(B) evidence-based disease prevention and health promotion services programs;

“(10) develop, in collaboration with the Administrator of the Centers for Medicare and Medicaid Services, performance standards and measures for use by States to determine the extent to which their State systems of long-term care fulfill the objectives described in this subsection; and

“(11) conduct such other activities as the Assistant Secretary determines to be appropriate.

CHANGES TO TITLE III

Section 305(a) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)) is amended—

“(3) **the State agency shall**, consistent with this section, promote the development and implementation of a State system of long-term care that is a comprehensive, coordinated system that enables older individuals to receive long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, by—

“(A) collaborating, coordinating, and consulting with other agencies in such State responsible for formulating, implementing, and administering programs, benefits, and services related to providing long-term care;

“(B) participating in any State government activities concerning long-term care, including reviewing and commenting on any State rules, regulations, and policies related to long-term care;

“(C) conducting analyses and making recommendations with respect to strategies for modifying the State system of long-term care to better—

“(i) respond to the needs and preferences of older individuals and family caregivers;

“(ii) facilitate the provision, by service providers, of long-term care in home and community-based settings;

“(iii) target services to individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings;

“(D) implementing (through area agencies on aging, service providers, and such other entities as the State determines to be appropriate) evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease, and disability among older individuals; and

“(E) providing for the availability and distribution (through public education campaigns, Aging and Disability Resource Centers, area agencies on aging, and other appropriate means) of information relating to—

“(i) the need to plan in advance for long-term care; and

“(ii) the full range of available public and private long-term care (including integrated long-term care) programs, options, services providers, and resources.”.

AREA PLANS

Section 306 of the Older Americans Act of 1965 (42 U.S.C. 3026) is amended—

“(7) provide that **the area agency on aging shall**, consistent with this section, facilitate the area-wide development and implementation of a comprehensive, coordinated system for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, by—

“(A) collaborating, coordinating activities, and consulting with other local public and private agencies and organizations responsible for administering programs, benefits, and services related to providing long-term care;

“(B) conducting analyses and making recommendations with respect to strategies for modifying the local system of long-term care to better—

“(i) respond to the needs and preferences of older individuals and family caregivers;

“(ii) facilitate the provision, through service providers, of long-term care in home and community-based settings; and

“(iii) target services to older individuals at risk for institutional placement, to permit such individuals to remain in home and community-based settings;

“(C) implementing, through the agency or service providers, evidence-based programs to assist older individuals and their family caregivers in learning about and making behavioral changes intended to reduce the risk of injury,

disease, and disability among older individuals; and

“(D) providing for the availability and distribution (through public education campaigns, Aging and Disability Resource Centers, the area agency on aging itself, and other appropriate means) of information relating to—

“(i) the need to plan in advance for long-term care; and

“(ii) the full range of available public and private long-term care (including integrated long-term care) programs, options, service providers, and resources;”;